

Case: 6:69-cv-07941-BB

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED *HL*
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

10 JUN 11 AM 11:10

STATE OF NEW MEXICO, on the relation of)
The State Engineer,)

Plaintiff,)

v.)

ROMAN ARAGON, et al.,)

Defendants.)

No. 69cv 07941-BB

Rio Chama Stream
System

Section I (mainstream)

CLERK-SANTA FE

**PRO SE PERSONS / SUCCESSORS-IN-INTEREST OF THE ACEQUIA DE CHAMITA REPLY
TO THE PLAINTIFF STATE OF NEW MEXICO, EX REL. STATE ENGINEER'S MOTION TO
REQUIRE SHOWING BY SANDIE HOLGUIN, THOMAS MARTINEZ AND JOE BRANCH
THAT THEY HAVE AN INTEREST IN LANDS IRRIGATED BY ACEQUIA DE CHAMITA
AND THAT THEY ARE SUCCESSORS-IN-INTEREST TO PERSONS THAT TIMELY FILED
OBJECTIONS TO NOTICES AND ORDERS TO SHOW CAUSE (DOC. 9767, FILED
05/27/2010).**

The *pro se* / successor-in-interest defendant(s) to be in compliance with the State's motion, Document 9767, Filed 05/27/2010, come now to respond to said Motion:

1. Because the *pro se* parties didn't understand proper procedural conduct they did not reply to the State's motion (Doc. 9606, Filed 02/25/2010) in a timely manner; and thus the Court responded, "No parties filed a timely response opposing the State's motion to limit consideration of objections" (Doc. 9720, Filed 05/21/2010 at 2). The Courts resulting motion was to grant the State's motion to limit consideration of objections to the Special Master's Report to those filed by persons that timely objected to Notices and Orders to Show Cause (*ibid.*).

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2. While still unsure of this kind of procedural conduct, but in hopes of preventing a similar response in judgment by the Honorable Court, the Defendant parties wish to submit a reply to the State's motion. (Doc. 9767, Filed 05/27/2010).
3. Comes now *pro se* party/ successor-in-interest Sandie Holguin, (Doc. 9624, 9670, 9717), to show by deed or otherwise that I have an interest in lands irrigated by the Acequia de Chamita and that I am in fact a successor-in-interest to persons that timely filed objections to the Notices and Orders to Show Cause issued by the Court in 1994-95 (ibid. at 3). I am a successor-in-interest to Defendant Kenneth C. Marthey, Subfile No. 258, Doc. No. 3974.16, (Document 9720 Filed 05/21/2010 at 5). Documents of interest follow:

2005 MAY 25 AM 11:27

Name: KENNETH MARTINEY
Contact: _____
Address: _____
City: _____
State: _____ Zip: _____
Work Phone: _____
Home Phone: _____

NEW OWNER

Name: SANDIE HOLGUIN
Contact: _____
Address: 1102 McNAMEE ST.
City: NORMAN
State: OK Zip: 73069
Work Phone: 405 325 6002
Home Phone: 405 447 9316

2. AMOUNT CONVEYED

State Engineer File Number: SD 01835 - 29B
Subfile Number 255, 259 of Cause Number _____
Owner of record has conveyed PART of said right.
(all or part)

Diversion Amount: _____ acre-feet per annum
Consumptive Use: _____ acre-feet per annum
Other: _____ (units)

1.622 X 3
= 4.86 AFA

3. PURPOSE OF USE

Domestic: _____ Livestock: _____ Irrigation: ☒ Municipal: _____ Industrial: _____
Commercial: _____ Other (specify): _____
Specific use: _____

4. PLACE OF USE

1.622 acres of land described as follows:

| Subdivision of Section (District or Hydrographic Survey) | Section (Map No.) | Township (Tract No.) | Range | Acres | Priority |
|--|----------------------|-------------------------|-------|--------------|----------|
| <u>CHAMITA DITCH</u> | _____ | _____ | _____ | <u>1.622</u> | _____ |
| <u>RIO CHAMITA</u> | _____ | _____ | _____ | _____ | _____ |
| <u>MAINSTREAM</u> | _____ | _____ | _____ | _____ | _____ |

RIO ARRIBA
J. FRED VIGIL, COUNTY CLERK
200509384
Book 528 Page 9384
1 of 2
12/13/2005 10:56:34 AM
BY SHIRLEY M

Do Not Write Below This Line

File Number: _____

Form: wr-02i

page 1 of 2

Trn Number: _____

(For OSB Use Only)
Trn # 334980

NEW MEXICO OFFICE OF THE STATE ENGINEER
CHANGE OF OWNERSHIP OF WATER RIGHT (INDIVIDUAL)

5. WELLS TO ACCOMPANY CONVEYED RIGHT

| Well File No. | Subdivision | Section | Township | Range |
|---------------|-------------|---------|----------|-------|
| | | | | |
| | | | | |
| | | | | |

6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

(I, We) the above owner(s) of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right:
(To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

(Signature) (Signature)

7. ADDITIONAL STATEMENTS OR EXPLANATIONS.

RIO ARRIBA
J. FRED VIGIL, COUNTY CLERK
200509384
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2 of 2
12/13/2005 10:56:34 AM
BY SHIRLEYM

2005 MAY 25
OFFICE OF THE STATE ENGINEER
SANTA FE, NEW MEXICO

ACKNOWLEDGEMENT

(I, We) Sandie Holguin affirm that the foregoing statements are true to the best of (my, our) knowledge and belief.

Applicant Signature

Applicant Signature

NOTARY

This instrument was acknowledged before me this 25th day of May

A.D., 2005 By Sandie Holguin
Name of Applicant(s)

Name of Applicant(s)

My commission expires 5/4/08

Patricia O. Bailey
Notary Public

OFFICIAL SEAL
Patricia O. Bailey
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires:

This Change of Ownership form is hereby accepted for filing in accordance with Section 72-1-2.1, NMSA-1978 (1985 Repl. Pam), as amended. The acceptance by the Office of the State Engineer does not constitute validation of the right conveyed.

Do Not Write Below This Line

File Number:
Form: WR-021

Trn Number:

WARRANTY DEED

Kenneth C. Marthey, a single manSandie E. Holguin, for consideration paid, grants towhose address is 1102 McNamee Street, Norman, Ok 73069the following described real estate in RIO ARRIBA County, New Mexico:Tract "E":

A certain tract or parcel of land being situate within Exc. 1, PC 227, P3, Exc. 1, PC 251, P1, Exc. 1, PC 227, P2, in Section 9, Township 21 North, Range 08E, in the vicinity of Chamita, County of Rio Arriba, State of New Mexico.

Containing 1.622 acres, more or less.

According to the plat of survey entitled "Replat for Kenneth C. Marthey", filed for record July 25, 1995 in Book O-556 at page 3667, records of Rio Arriba County, New Mexico.

2005 MAY 25 AM 11:27
 OFFICE OF STATE ENGINEER
 SANTA FE, NEW MEXICO

Subject to: Reservations, restrictions and easements of record and taxes for the year 2005 and thereafter.

with warranty covenants.

Witness my hand this 3rd day of December, 2004.

Kenneth C. Marthey
 Kenneth C. Marthey

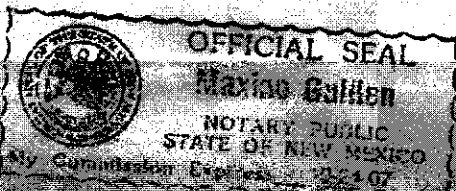
ACKNOWLEDGEMENT FOR NATURAL PERSONS:

State of New Mexico)
) SS.
 County of Rio Arriba)

This instrument was acknowledged before me on the 3rd day of December, 2004, by Kenneth C. Marthey, a single man.My commission expires: 24 October 2007

(Seal)

Maximo Gullen
 Notary Public



ACKNOWLEDGEMENT FOR NATURAL PERSONS:

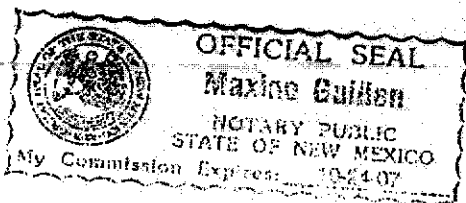
State of New Mexico)
County of Rio Arriba) SS.


This instrument was acknowledged before me on the 3rd day of December, 2004, by Kenneth C. Marthey, a single man.

My commission expires: **24 October 2007**

(Seal)


Notary Public



RIO ARRIBA
J. FRED VIGIL, COUNTY CLERK
200400693
Book 527 Page 693
1 of 1
12/20/2004 11:20 AM
BY DELORA 

SHORT FORM WARRANTY DEED

Form SDD01NM Rev. 02/10/98

6/3/2010

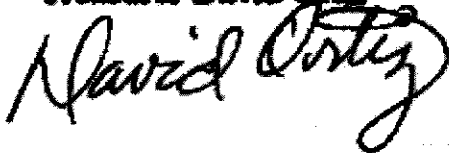
Acequia de Chamita

P O Box 930
San Juan Pueblo,
New Mexico 87566
Est. August 11, 1598

I hereby answer the Plaintiffs Motion to show cause and verify that the following parcients, having objected to the Special Masters recommendation of 1600 for the Acequia de Chamita (Don Juan de Onate's Acequia), Sandie Holguin is a member in good standing since he acquired the land with appurtenant water rights on the Acequia de Chamita, having acquired the land with the water rights from Kenneth C. Marthey, who is identified as a person who filed a timely objection (doc.3974.16 sub file 258), filed December 7, 1994. The water rights were transferred on May 25, 2005 with the New Mexico State Engineer Office. A simple phone inquiry to S. M. Wells in the State Engineers Office by the Plaintiff would have verified this information instead of making motions to the court requiring defendants to show cause.

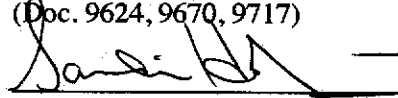
Sandie Holguin Map 22, Tract 2,3,4 Sub file 255, 258,259,274
1102 McNamee St.
Norman, Oklahoma

Acequia de Chamita Commissioner
Treasurer David Ortiz



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Respectfully submitted by defendant Sandie Holguin
(Doc. 9624, 9670, 9717)



(Signature of Defendant)

by Sandie Holguin, Date: 6/8/10

Sandie Holguin

(Printed name of Defendant)

1102 McNamee St.

(Street address or P.O. Box)

Norman, OK 73069

(City, State and Zip Code)